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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,769	03/29/2006	Yuuzou Akasaka	NNA-225-B	9800

48980 7590 11/06/2008  
YOUNG & BASILE, P.C.  
3001 WEST BIG BEAVER ROAD  
SUITE 624  
TROY, MI 48084

EXAMINER
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CHANG, CHING

ART UNIT	PAPER NUMBER
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3748

NOTIFICATION DATE	DELIVERY MODE
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11/06/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com  
audit@youngbasile.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,769	<b>Applicant(s)</b> AKASAKA, YUUZOU	
	<b>Examiner</b> CHING CHANG	<b>Art Unit</b> 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-17 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, and 18-19 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10/06, 3/12/07, 12/28/07</u> .                             | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office Action is in response to the election of the species of Fig. 2, and claims 1-5, 7-13, and 16-19 without traverse, filed on 10/20/08. Claims 6, and 14-15 have been withdrawn from consideration as being directed to the non-elected species.

#### ***Specification***

1. It appears that -- This application is a national stage application under 35 U.S.C. 371 based on International Application No. PCT/IB05/03423 filed on 11/15/2005 -- in Paragraph [01] of Page 1 is missing.

An appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically, “ the pin mating portion “ in claims 4-5, and “ the pin guide hole “ in claim 5 are lacking of antecedent basis, thus render the claimed subject matter in claims 4-5 indefinite.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. ***Claims 1, 8, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierik (US Patent 6,439,178).***

Pierik discloses a lift adjustment device and method for a valve mechanism connected by a plurality of links (19, 21, 22, 30) to a valve cam (18) that contacts and lifts intake/exhaust valves and a rotating drive shaft (12) connected to a crankshaft, the device comprising: a connector pin (24; 52), adapted to be inserted into a first link and a second link of the plurality of links, to couple the first and second links and allow for their relative rotation; and an adjustment device (through 46, 48) insertable into the first link to contact the connector pin such that the connector pin position is adjustable from a single direction in response to an adjustment tool and the adjustment device.

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7. ***Claims 1, 8, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Pierik (US Patent 6,736,096).***

Pierik discloses a lift adjustment device and method for a valve mechanism connected by a plurality of links (22, 24a, 24b) to a valve cam (26) that contacts and lifts intake/exhaust valves and a rotating drive shaft (12) connected to a crankshaft, the device comprising: a connector pin (32, 62), adapted to be inserted into a first link and a second link of the plurality of links, to couple the first and second links and allow for their relative rotation; and an adjustment device (64) insertable into the first link to contact the connector pin such that the connector pin position is adjustable from a single direction in response to an adjustment tool and the adjustment device; the method comprising: determining valve lift measurements; and adjusting, in a single direction, a first holder (64) such that the connector pin moves along the single direction a predetermined distance in response to the lift measurement; and adjusting a second holder (72) over the connector pin such that the connector pin is substantially immobilized in the single direction.

8. ***Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierik (as applied to claim 1 above) in view of design choice.***

***Allowable Subject Matter***

9. Claims 9-13, and 16-17 are allowed. In addition, the withdrawn dependent claims 14-15 are rejoined with the allowable claim 9, and are allowable.

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10. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHING CHANG whose telephone number is (571)272-4857. The examiner can normally be reached on M-Th, 7:00 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571)272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Ching Chang/

Primary Examiner, Art Unit 3748